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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,793	02/24/2004	Ji-Sung Park	IK-0075	2184
34610	7590	11/22/2005		
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			EXAMINER WILLIAMS, MARK A	
			ART UNIT	PAPER NUMBER
			3676	
DATE MAILED: 11/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,793

Applicant(s)

PARK ET AL.

Examiner

Mark A. Williams

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claim 27 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected method of assembly of a portable terminal, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 8/22/05, but the restriction requirement is still deemed proper, because the particular claimed process does not require the particular claimed hinge apparatus.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 5, 6, 9, 11, 12, 14, 15-19, 21, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, "first and second magnets are each located on both ends of the

first and second hinge sections...” renders the claim indefinite, in that it is not exactly clear how a single “first magnet” or a single “second magnet” can be on “both” ends at the same time. This is also true in claims 5, 6, 9, 11, and 12.

In claim 6, “magnetizing both ends...” is not fully understood in the context of the claims.

In claim 14, “the stopper allows the second hinge section to freely rotate...” is not fully understood in the context of the invention. It is not understood how a stopper which is intended to prevent movement can allow something to rotate. This is also true in claim 15.

In claim 16, there is no antecedent basis for “the locking surfaces” and “both sides”. Also, an apparatus claim cannot be further limited by a method step, thus “formed through cutting both sides...” does not further limit the claimed invention; this is true also in claim 21.

In claim 25, it is not understood what is meant by “a click hinge” in the context of the invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 15-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Japanese Patent 2004138092 A ('092). (With respect to claims 15, 16, and 25, as best understood, these limitations are disclosed by '092.) A swivel hinge comprising a first hinge section configured to rotate about a first hinge shaft; a second hinge section coupled to the first hinge section and configured to rotate about a second hinge shaft, whereas the second hinge shaft extends in a direction

perpendicular to the first hinge shaft; and a stopper engagement section 37 and stopper (34a, 35a) respectively provided at one of the second hinge sections to rotate together with the second hinge shaft and the first hinge section, wherein, as best understood, the stopper allows the second hinge section to freely rotate after the first hinge section has rotated by a predetermined angle around the first hinge shaft (see attached abstract). The stopper engagement section has a plate shape and locking surfaces of the engagement section may be formed through cutting both sides of stopper engagement section. The stopper has a guide surface for allowing the stopper engagement section to rotate, and the guide surface of the stopper has a height allowing lower portions of the locking surfaces of the stopper engagement section to pass beyond the guide surface when the first hinge section rotates by a predetermined angle. The guide surface is divided into a horizontal surface and an inclined surface, and an inclination angle of the inclined surface is in a range of more than 0 degrees and not more than 60 degrees (see figures 8 and 9). The first hinge section has a body plate shaft having a cylindrical shape, and provided at both ends thereof with the first hinge wherein the second hinge section has a connecting plate provided with the second hinge shaft rotatably coupled to the body plate.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


7. Claims 1-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 2004138092 A ('092), in view of Vandertouw, US Patent 6,408,484. (With regard to the subject matter of claims 4-6, 9, 11, 12, and 14, as best understood, these limitations are disclosed by '092). Patent '092 teaches the claimed invention except explicit teaching of magnetic means, as claimed, for holding the rotational position of the hinge sections relative to each other. Vandertouw teaches the general concept of magnetic means (16, 18, 19, and 20), for the purpose of holding the rotational position of different hinge sections in desired orientations. It would have been obvious at the time the invention was made for one skilled in the art to have included in the design of '092 such a modification, as generally taught by Vandertouw, for the purpose of holding the rotational position of different hinge sections in desired orientations.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Williams
11/9/05 


Suzanne Dino Barrett
Primary Examiner